

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BETINA CARVER HOWARD, a/k/a TINA
HOWARD, and husband, ANTHONY
HOWARD,

Plaintiffs ,

v.

Case No.:

SMITH COUNTY, TENNESSEE; RONNIE
LANKFORD, individually and in his official
capacity as Sheriff of Smith County, TN; CHRIS
HUDDLESTON, individually and in his official
capacity as an employee of the Smith County
Sheriff's Department.

Defendants,

PETITION FOR REMOVAL

COME NOW Defendants Smith County, Tennessee, Ronnie Lankford, Chris Huddleston,
by and through counsel, pursuant to 28 U.S.C. §1441(a), 28 U.S.C. §1441(b), 28 U.S.C. §1441(c)
and 28 U.S.C. §1443, and show the Court as follows:

1. The defendants appear by and through counsel for the sole and limited purpose of
exercising its rights under the provisions of Title 28 U.S.C. § 1441, *et seq.*, to remove this action
from the Circuit Court for Smith County, Tennessee, in which said action is now pending under the
above-captioned title.

2. On December 31, 2009, the plaintiffs, Betina Carver Howard, a/k/a Tina Howard, and Husband, Anthony Howard ("plaintiffs"), filed an action against the. The defendants received notice of the action on or about December 31, 2009. (Copy of Complaint, is attached hereto as Exhibit "A").

3. As further described below, the claims alleged in the Complaint fall within the original jurisdiction of this Court. Under the provisions of 28 U.S.C. § 1441, *et seq.*, the right exists to remove this action from the Circuit Court for Smith County, Tennessee to the United States District Court for the Middle District of Tennessee, which embraces the place where this action is pending.

4. The Complaint filed in the Circuit Court for Smith County, Tennessee on December 31, 2009, seeks to address alleged violation of the plaintiff's federal rights pursuant to 42 U.S.C. § 1983. The plaintiff seeks to recover damages allegedly exceeding \$500,000 from the defendants.

5. This Court has jurisdiction over the above-styled cause of action pursuant to 28 U.S.C. § 1331.

6. The defendants expressly reserve the right to raise all defenses and objections in this action after the action has been removed to this Court.

7. Pursuant to 28 U.S.C. § 1446(b), this Petition for Removal has been filed within thirty (30) days after receipt by the named defendants, of a copy of the initial pleading setting forth the claim for relief upon which this action is based.

8. Pursuant to 28 U.S.C. § 1446(d), a copy of this Removal is being filed with the Clerk of the Circuit Court for Smith County, Tennessee.

9. Defendants reserve the right to amend or supplement this Petition for Removal.

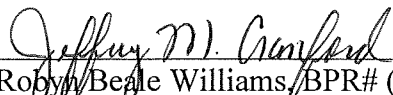
10. The Exhibit filed herewith constitutes the entire record on file with the Smith County

Circuit Court.

WHEREFORE, these defendants hereby remove the action now pending against them in the Circuit Court for Smith County, Tennessee, to this Court.

Respectfully submitted,

FARRAR & BATES, LLP

By: 
Robyn Beale Williams, BPR# (19736)
Jeffrey M. Cranford (BPR #020037)
211 Seventh Avenue North, Suite 500
Nashville, TN 37219
(615) 254-3060
(615) 254-9835 (fax)

*Attorneys for Defendants Smith County,
Tennessee, Ronnie Lankford, Chris
Huddleston*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 21st day of January, 2010, a copy of the foregoing document was forwarded via the U. S. Mail, first class postage prepaid, to the following attorneys for the Plaintiff:

Richard M. Brooks, Esq.
130 Third Ave. West
Carthage, TN 37030

Michael Savage, Esq.
101 East Court Square
Livingston, TN 38570-1839



Jeffrey M. Cranford